

Customer Support Ruling
Business Mail Acceptance
Headquarters, US Postal Service
Washington DC 20260-6808

Public Service Advertisement - Periodicals Publications

PS-270 (E212.1, E211.11)

UPDATED October 1996

This ruling concerns an appeal of action taken to revoke the Periodicals mailing privileges authorized for *XYZ PUBLICATION* under the general publication category.

Domestic Mail Manual (DMM), E212.1.3, provides that general publications primarily designed for advertising purposes may not qualify for Periodicals mailing privileges. These include publications owned or controlled by individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of any other business or calling of those who own or control them.

DMM E211.11.1a states that the term "advertising" includes all material for the publication of which a valuable consideration is paid, accepted, or promised, that calls attention to something for the purpose of getting people to buy it, sell it, seek it, or support it.

In accordance with DMM E211.11.1d, if a newspaper or periodical advertises its own services or issues, or any other business of the publisher, whether in the form of display advertising or editorial or reading matter, this is deemed to be "advertising." Public service advertisements for which no consideration has been paid are not considered advertising for postal purposes as stated in DMM E211.12.0.

In this case, the publisher argued that the publication was owned by a nonprofit trust instrumentality of the United States, and its various museums, offices and bureaus, including the member program, were not organized for commercial purposes. The publisher also argued that the general definition of advertising did not apply to the information in *XYZ PUBLICATION* because the member program was not paid, nor did it accept, nor was it promised, any consideration for including information about its activities in its publication. It was also claimed that the publisher and the member program were not business concerns. The references in the publisher's appeal and the materials that accompanied it supported these arguments.

The issues of *XYZ PUBLICATION* are primarily devoted to events and activities of local government or nonprofit service organizations that concern performing arts, film series, lectures and seminars, tours, courses, studio arts, and family activities. Therefore, it was concluded that the listings and related information about those events are public service advertisements.

Since DMM E211.11.1d specifies that public service advertisements for which no consideration has been paid are not considered advertising for postal purposes, *XYZ PUBLICATION* was not considered to be primarily designed for advertising purposes, and therefore, is eligible for entry as Periodicals matter.

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